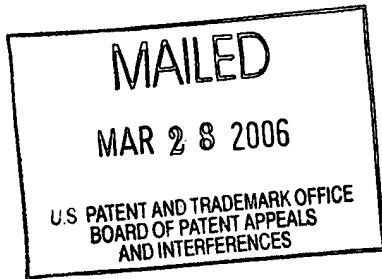


The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* SHIMON SHMUELI, ALEX LANG  
and JEAN BILLMAN

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Appeal No. 2006-0989  
Application No. 09/802,634

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ON BRIEF

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Before OWENS, GROSS and LEVY, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

This appeal is from a rejection of claims 1-7, 9-19 and 21-27, which are all of the pending claims.

*THE INVENTION*

The appellants claim a portable device, a computer readable medium including software to reside on the portable device, and a method for facilitating a web-based transaction using the portable device. Claim 1, which claims the portable device, is illustrative:

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1. A portable device comprising:

a) a body;

b) memory within the body containing software and financial account information;

c) an interface associated with the memory and adapted to facilitate interaction with the host computing device during a computing session;

d) the software adapted to execute on the host computing device to instruct the host computing device to:

i) recognize financial account fields in a web page during a browsing session;

ii) fill in the financial account fields in the web page with the financial account information from the portable device to facilitate a web-based transaction;

iii) automatically execute on the host computing device in association with the computing session; and

iv) in association with termination of the computing session, instruct the host computing device to remove records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session.

#### *THE REFERENCES*

de la Huerga	5,960,085	Sep. 28, 1999
Rallis et al. (Rallis)	6,425,084	Jul. 23, 2002
	(effective filing date on or before	Jul. 31, 1998)
O'Leary et al. (O'Leary)	6,609,113	Aug. 19, 2003
		(filed Feb. 3, 2000)

*THE REJECTIONS*

The claims stand rejected under 35 U.S.C. § 103 as follows: claims 1, 3-6, 9-13, 15-18, 21 and 23-26 over O'Leary in view of Rallis, and claims 2, 7, 14, 19, 22 and 27 over O'Leary in view of Rallis, de la Huerga and official notice.

*OPINION*

We reverse the aforementioned rejections. We need to address only the independent claims, i.e., claims 1, 13 and 21.<sup>1</sup> Claim 1 requires a portable device having a body with a memory therein containing financial account information. Claim 13 requires a computer readable medium including software comprising instructions for a host computing device to fill in financial account fields with financial account information stored on a portable device. Claim 21 requires the step of filling in financial account fields with financial account information stored on a portable device.

The examiner argues that O'Leary discloses at column 9, lines 15-20 that the contents of a wallet including financial information are downloaded to portable devices such as personal digital assistants and cellular telephones, and that O'Leary

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<sup>1</sup> The examiner does not rely upon de la Huerga or official notice to remedy the deficiency in O'Leary and Rallis as to the independent claims.

fills in a form using the information from the wallet (answer, page 9).

The following disclosures by O'Leary include the portion relied upon by the examiner:

As the user accesses the Internet using its Browser **210**, a Wallet **215** is launched by the user. The Wallet **215** can be downloaded and installed from a website. Using thin wallet technology, the majority of software and databases comprising the Wallet **215** resides on a host web server and the user accesses the Wallet **215** through a website or a button (e.g., icon) on the Browser **210**. Some functionality of the Wallet **215** can be operated on the workstation **200** itself, without the requirement of attachment to the Internet. In addition to PC-based access as described above, the Wallet **215** can be downloaded to various non-PC devices such as PDAs, cellular telephones, and interactive TV's. The consumer may access the Wallet **215** while logged onto the Internet by selecting a wallet button on the Browser **210** toolbar, or selecting a wallet icon at the merchant's web site. For non-PC devices, the Wallet **215** can be activated via a separate application, a browser link, or through a sponsoring website. [col. 9, lines 9-26]

\* \* \*

Next, in step **9C** the user sets up the PPP [payment portal processor] enhanced Wallet **215** for use by choosing "Install a Web Wallet" from the menu. The user is instructed that its PPP enhanced Wallet will now be installed as a button on the browser **210** toolbar. Once the software for the PPP enhanced Wallet **215** has been installed on the user's system (e.g., the user's PC or web server), the user is prompted to provide some background information that will assist the user in making web purchases and payments. An example of some of the background information requested includes the user's shipping name

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address. At this point, the PPP enhanced Wallet **215** installation is complete and the user can perform any of the methods described above with respect to FIGS. **1-8**. As previously described, using thin Wallet technology, the majority of the software and data associated with the PPP enhanced Wallet **215** resides on a server maintained by the XYZBank **965**. [col. 26, lines 43-59]

Although O'Leary discloses that the wallet can be downloaded to non-PC devices, the disclosures that the wallet is accessed via a separate application, a browser link or a sponsoring website, and that the majority of the software and data reside on a server, indicate that what is downloaded to the non-PC devices is not the contents of the wallet such as financial account information but, rather, is the software needed to access the wallet.

Thus, the examiner has not established that O'Leary discloses, or would have fairly suggested, to one of ordinary skill in the art, the requirement for storing financial account information on a personal device as set forth in the appellants' independent claims. The examiner does not rely upon Rallis, de la Hueraga or official notice to remedy this deficiency in O'Leary.

We therefore conclude that the examiner has not carried the burden of establishing a prima facie case of obviousness of the appellants' claimed invention.

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### DECISION

The rejections under 35 U.S.C. § 103 of claims 1, 3-6, 9-13, 15-18, 21 and 23-26 over O'Leary in view of Rallis, and claims 2, 7, 14, 19, 22 and 27 over O'Leary in view of Rallis, de la Huerga and official notice, are reversed.

REVERSED

Terry J. Owens )  
TERRY J. OWENS )  
Administrative Patent Judge )

*Anita Pellman Gross*  
ANITA PELLMAN GROSS  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

STUART S. LEVY  
Administrative Patent Judge

TJO/gjh

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